

HOUSE No. 1828

By Mr. O'Flaherty of Chelsea, petition of Eugene L. O'Flaherty relative to hospitalization expenses for injured workers as set by the Rate Setting Commission. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO INJURED WORKERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 152 of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by striking out section
3 13 and inserting in place thereof the following section:—
4 Section 13. The rate of payment by insurers for health care serv-
5 ices adjudged compensable under this chapter shall be established by
6 the rate setting commission under the provisions of chapter six A.
7 No insurer shall be liable for hospitalization expenses, adjudged
8 compensable under this chapter at a rate in excess of the rate set by
9 the rate setting commission, or for other health services in excess of
10 the rate established for that service by the rate setting commission.
11 Nor shall any employee be liable for services adjudged compensable
12 under this chapter, which have been paid for at the rates established
13 by the rate setting commission.
14 The board shall advise the commissioner on matters arising under
15 this section.

1 SECTION 2. Said chapter 152 is hereby further amended by
2 striking out section 30, as so appearing, and inserting in place
3 thereof the following section:—
4 Section 30. The insurer shall furnish to an injured employee ade-
5 quate and reasonable medical and hospital services, and medicines if
6 needed, together with the expenses necessarily incidental to such
7 services, and in the case of an injured employee, a physical examina-
8 tion shall be give at least once a year while the employee is a resi-

9 dent in a hospital. The employee may select a physician other than
10 the one provided by the insurer; and in case he shall be treated by a
11 physician of his own selection, or where in case of emergency or for
12 other than the one provided by the insurer is called into treat the
13 injured employee, the reasonable cost of the physician's services
14 shall be paid by the insurer, subject to the approval of the division.
15 Such approval shall be granted only if the division finds that the
16 employee was so treated by such physician or there was such emer-
17 gency or justifiable cause, and in all cases that the services were ade-
18 quate and reasonable and the charges reasonable. In any case where
19 the division is of the opinion that the fitting of the employee with an
20 artificial eye or limb, or other mechanical appliance, will promote
21 his restoration to or continue him in industry, it may order that he be
22 provided with such an artificial eye, limb or appliance, at the
23 expense of the insurer. The provisions of this section shall be
24 applicable so long as such services are necessary, notwithstanding
25 the fact that maximum compensation under other sections of this
26 chapter may have been received by the injured employee.